

MILLER & MARTIN LLP

ATTORNEYS AT LAW

1200 ONE NASHVILLE PLACE

150 FOURTH AVENUE NORTH

NASHVILLE, TENNESSEE 37219-2433

615/244-9270

FAX 615/256-8197

OR

615/744-8466

WRITER'S DIRECT NUMBER
615/744-8576

CHATTANOOGA OFFICE

SUITE 1000, VOLUNTEER BUILDING

832 GEORGIA AVENUE

CHATTANOOGA, TENNESSEE 37402-2289

423/756-6600

FAX 423/785-8480

J GRAY SASSER
NASHVILLE OFFICE

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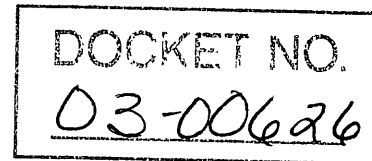
FAX 404/962-6300

E-MAIL ADDRESS
gsasser@mullermartin.com

December 5, 2003

VIA HAND DELIVERY

Hon. Deborah Taylor Tate
Chairman
c/o Sharla Dillon, Docket Manager
Tennessee Regulatory Authority
460 James Robertson Parkway, Docket Room
Nashville, TN 37243-0505



Re: Petition of Cellco Partnership d/b/a Verizon Wireless for Expedited
Review of NeuStar's Denial of Additional Numbering Resources

Dear Chairman Tate:

Enclosed please find the original and thirteen copies of the above-styled petition and the \$25.00 filing fee.

Please do not hesitate to give me a call if you have any questions or if I can be of any additional assistance in this matter.

Regards,

A handwritten signature in dark ink, appearing to be "J. Gray Sasser". Below the signature, the name "J. Gray Sasser" is printed in a standard font.

J. Gray Sasser

JGS/ctr
enc.

**BEFORE THE
TENNESSEE REGULATORY AUTHORITY**

)	
)	
Petition of:)	
)	
CELLCO PARTNERSHIP d/b/a)	
VERIZON WIRELESS FOR EXPEDITED)	
REVIEW OF NEUSTAR'S DENIAL)	Docket No. _____
OF APPLICATION NUMBERING)	
RESOURCES)	
)	

**PETITION FOR EXPEDITED REVIEW OF
CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS**

Cellco Partnership d/b/a Verizon Wireless on behalf of itself and its affiliates ("Verizon Wireless"), pursuant to rules adopted by the Federal Communication Commission (the "FCC") allowing for an expedited review by state regulatory commissions of denials of number resources from by North American Numbering Plan Administrator or the Pooling Administrator ("NeuStar"), hereby petitions to the Tennessee Regulatory Authority (the "TRA") for such an expedited review of NeuStar's denial of Verizon Wireless' application for a one thousand-block of phone numbers for additional growth resources in the Carthage, Tennessee rate center. Without relief, Verizon Wireless will run out of numbers by year's end and will not be able to offer customers local phone numbers. Customers are needing to seek new numbering resources from Verizon Wireless to avoid toll charges associated with the elimination of reverse toll billing several months ago.

Verizon Wireless respectfully shows the TRA as follows:

1. Verizon Wireless is a Commercial Mobile Radio Service (“CMRS”) provider licensed by the FCC to provide services in various parts of Tennessee, including the Carthage, Tennessee rate center (the “Rate Center”).

2. NeuStar is an independent and impartial non-governmental entity responsible for administering and managing numbering resources in accordance with the North American Numbering Plan (the “NANP”) and subject to the authority and oversight of the FCC. 47 C.F.R. Sections 52.12 and 52.13(a) and (b). The FCC also has appointed NeuStar to be the National Pooling Administrator (the “PA”) which administers thousands-blocks (“blocks”) to carriers in areas where thousands-block pooling has been approved.

3. Verizon Wireless’ provision of service to customers in the Rate Center includes management and assignment to such customers of telephone numbers allocated to Verizon Wireless by NeuStar in accordance with the NANP.

4. The FCC has issued several orders addressing issues and strategies related to the efficient use of numbering resources. Of specific relevance to this Petition are: (a) Report and Order and Further Notice of Proposed Rule Making Relating to Numbering Resource Optimization (“FCC 00-0104”), (b) Second Report and Order, Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200, and Second Further Notice of Proposed Rulemaking in CC Docket No. 99-200 (“FCC 00-429”) and (c) Third Report and Order and Second Order on Reconsideration in CC Docket 96-98 and CC Docket No 99-200 (“FCC 01-362”).

5. In FCC 00-0104 and 00-429, the FCC promulgated rules and sought comments in an effort to implement uniform standards governing requests for telephone numbering resources

in order to increase efficiency in the use of existing telephone numbers and to slow exhaustion of existing numbers under the NANP.

6. Among other things, the FCC adopted a revised standard for assessing a carrier's requirements for number resources by obligating carriers to report rate center based utilization data to Neustar. The FCC further required that to qualify for access to new numbering resources, applicants must establish that existing inventory within the applicant's rate center will be exhausted within six months. FCC 00-104 at paragraph 87.

7. In addition to the months-to-exhaust ("MTE") requirement described above, FCC 00-429 requires carriers to meet a rate center utilization of 70% (as of June 30, 2003) in order to receive additional numbering resources in such rate center. Based on the FCC's orders, therefore, carriers must meet both prongs of the two-part test, demonstrating both a utilization threshold of 70% and the MTE requirement, in a particular rate center in order to obtain additional numbering resources. FCC 00-429 at paragraph 29.

8. However, recognizing that the two-part test enunciated above might prevent carriers from meeting increased consumer demand, the FCC established a "safety valve" apart from the general waiver process to allow carriers that do not meet the utilization threshold in a given rate center to obtain additional numbering resources when needed to meet legitimate customer needs. FCC 01-362 at paragraph 61.

9. The TRA, as a state commission, may grant this "safety valve" request by overturning Neustar's decision to withhold numbering resources from a carrier if the TRA determines that "the carrier has demonstrated a verifiable need for numbering resources and has exhausted all other remedies." 47 C.F.R. Section 52.159(g)(4).

10. FCC 01-362 enunciates a second two-part test based on the MTE requirement of the formula employed by Neustar that the TRA, as a state commission under 47 C.F.R. Section 52.159(g)(4), should employ when granting a “safety valve” waiver, writing:

States may use this safety valve to grant requests from carriers that demonstrate the following: 1) the carrier will exhaust its numbering resources in a market or rate area within three months (in lieu of the 6 months-to-exhaust requirement); and 2) projected growth is based on the carrier’s actual growth in the market . . . FCC 01-362 at paragraph 63.

11. Recognizing that a “failure to address a request for additional numbering resources can impair a carrier’s ability to stay in or expand business,” the FCC directs state commissions, including the TRA, to act on “safety valve” requests “as expeditiously as possible” and concludes that 10 business days should be sufficient to review such request. *Id.* at paragraph 66.

12. On or about December 3, 2003 (the “Application Date”), under its Operating Company Number (“OCN”) #6673, Verizon Wireless submitted to Neustar via its online Pooling Administration System (“PAS”) an application (the “Application”) for one growth block for the Rate Center and also supplied the required Months to Exhaust Certification Worksheet (the “Worksheet”). Copies of the computer screens associated with the PAS application are attached hereto as Exhibit A and the Worksheet is attached hereto as Exhibit B.

13. Neustar, in accordance with the FCC rules, denied the Application as a matter of course because Neustar may not look beyond the MTE requirement or the utilization threshold in granting or denying growth block applications.

14. As indicated in Exhibit A, Verizon Wireless’ current utilization rate in the Rate Center is approximately 64.7%, which is a little more than five percent (5.0%) shy of the required utilization threshold of 70%.

15. While Verizon Wireless does not meet the first-prong of NeuStar's two-pronged test, Verizon Wireless clearly meets the MTE requirement. The Company will exhaust its supply of available numbers in a little more than a month of the Application Date, as documented in Exhibit B. In fact, after deducting for "Aging Numbers"¹ and "Intermediate Numbers"², Verizon Wireless only has 177 local Carthage numbers currently available for assignment to customers within the Rate Center. Aging and Intermediate numbers are not available to Verizon Wireless at this time because (1) of the negative customer impacts associated with utilizing numbers that have not been properly aged and (2) intermediate numbers are supplied to reseller competitors for use by their customers. If Verizon Wireless experiences requests for new numbers at similar or greater rate for the month of December as it did for the month of November, it will fully exhaust its numbering resources for the Rate Center by year's end.³ As explained below in paragraphs 17 and 18, there is a strong probability that requests for numbering resources in the month of December will significantly exceed the 169 requests experienced during the month of November.

16. As a result of its good faith efforts to comply with the reclamation requirements cited in 47 C.F.R. Section 52.15(i), Verizon Wireless returned two blocks of one thousand numbers on September 23, 2003. Prior to September 23, 2003, Verizon Wireless requested and received three (3) one-thousand blocks from NeuStar for the Rate Center in anticipation of increased requests for local Carthage numbers in response to the elimination of reverse toll billing, and when expected demand did not materialize immediately, Verizon Wireless returned the numbers. However, subsequent to returning such numbers to NeuStar, significant growth in

¹ As defined in 47 C.F.R. Section 52.15(f)(ii).

² As defined in 47 C.F.R. Section 52.15(g)(v).

³ As reflected by both Exhibits A and B, Verizon Wireless experienced 169 requests for new numbers in the month of November. Even if Verizon Wireless experiences exactly the same number of requests in the month of December, it will only have eight (8) valid numbers remaining to begin sales in the month of January.

demand for local Carthage numbers makes Verizon Wireless a prime candidate for a “safety valve” waiver.

17. For example, Verizon Wireless began experiencing significant increased demand for new numbers within the Rate Center, as reflected by both Exhibit A and B. This recent spike in demand may be linked to the after effects of the elimination of reverse toll billing, as Rate Center customers continue to switch to Carthage numbers so that calls to nearby family and friends do not result in toll charges. Therefore, failure to grant this Petition could result in higher toll charges to family and friends of those customers who are unable to obtain local Carthage numbers because of the unavailability of such numbers.

18. Additionally, CMRS providers, including Verizon Wireless, typically experience a surge in demand in the fourth quarter, in part, as a result of the onset of the holiday season. The Worksheet documents this increased fourth quarter demand, indicating issuance of 110 local Carthage numbers in October and 169 in November. Therefore, even a slight increase in December requests above the number already processed for November could result in Verizon Wireless not being able to satisfy customer demand for local numbers within the Rate Center.

19. Verizon Wireless clearly meets the requirements for a “safety valve” waiver as it has first exhausted its available remedies by Neustar’s rejection of the Application as required by 47 C.F.R. Section 52.159(g)(4). In addition, Verizon Wireless clears both hurdles associated with the two-part MTE requirement test set forth in FCC 01-362 and described in Paragraph 10 of this Petition. As documented in this Petition, Verizon Wireless will exhaust its numbering resources in a little more than a month (as opposed to the three-month period specified in FCC 01-362 as required for “safety valve” waivers), and such projected growth is based both on

the actual demand for Carthage numbers in October and November of this year and historical fourth quarter demand surges experienced by CMRS providers.

20. As Verizon Wireless meets the requirements for a “safety valve” waiver, Verizon Wireless would encourage the TRA to follow the FCC articulated requirement to act on this Petition as expeditiously as possible. Failure to act within the 10 business day period suggested by the FCC could deprive some Tennessee consumers from obtaining their selected telecommunications service and could impair Verizon Wireless’ ability to service the requests of existing and potential customers.

21. By refusing to grant Verizon Wireless’ application, NeuStar may be preventing some Tennessee consumers from obtaining the telecommunications service of their choice from the carrier of their choice. In addition, failure to obtain the requested relief from the TRA could result in increased costs to Carthage area consumers as a whole as they are forced to pay toll charges in connection with their calls to those Verizon Wireless consumers blocked from obtaining a local Carthage number because sufficient numbers may not be available.

Conclusion

For the reasons stated herein, Verizon Wireless respectfully requests the TRA to direct NeuStar to provide the requested block of numbers to Verizon Wireless to enable it to meet expected demand for Rate Center consumers so that such Tennesseans may receive the telecommunications service of their choice from the provider of their choice.


WHEREFORE, Verizon Wireless respectfully requests:

1. The TRA review NeuStar’s decision to deny Verizon Wireless’ request for additional numbering resources and grant the “safety valve” waiver within the 10 business day time-frame suggested by the FCC; and

2. The TRA direct NeuStar to provide the numbers to Verizon Wireless to meet the anticipated requirements of Rate Center consumers within the 615 NPA.

Respectfully submitted,

MILLER & MARTIN LLP


Melvin J. Malone
J. Barclay Phillips
J. Gray Sasser

Miller & Martin LLP
One Nashville Place
150 Fourth Avenue, North
Nashville, Tennessee 37219-2423

EXHIBIT A
PAS APPLICATION

Please see the attached.

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NEUSTAR

Request For Resources
New
Modify
Disconnect
Block Transfer
Confirm Block(s) in Service (Part 4)
Search Forms
Submit Forecast
Create/Modify Forecast
User Profile
Donate Blocks
Reports

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Pooling Administration System

James.dixon@verizonwireless.com (SP) Sign Out

Part 1A

Type of Application New

1.1 Contact Information

Note: If any of the contact info is incorrect, edit your user profile

Block Applicant

Company Name VERIZON WIRELESS
Headquarters Address* 2785 Mitchell Drive MS 7-1
City* Walnut Creek
State* CA
Zip* 94598

Contact Name Mr James M Dixon
Contact Address 8921 Research Dr
City Charlotte
Zip 28262
Telephone (704) 510-6018
E-mail james.dixon@verizonwireless.com
State NC
Fax (704) 510-6089

Pooling Administrator:

Contact Name Ms Dora Wirth
Contact Address 1800 Sutter St Ste 780
City Concord
Zip 94520
Telephone 9253638706
E-mail dora.wirth@neustar.com
State CA
Fax 9253637684

Start


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Request For Resources

- New
- Modify
- Disconnect
- Block Transfer

Confirm Block(s) in Service (Part 4)

Search Forms

Submit Forecast

Create/Modify Forecast

User Profile

Donate Blocks

Reports

Questions & Answers
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1.2 General Information

LRN Needed ☐ No

NPA 615 LATA * 470

OCN 6673 VERIZON WIRELESS
TN

Parent Company OCN * 6673

Number of Thousands-Blocks Requested 1

Switch Identification (Switching Identity/POI) NSVNTNCFM0 City or Wire Center Name

Rate Center CARTHAGE Rate Center Sub Zone

1.3 Dates

Date of Application Wednesday, December 3 2003

Requested Block Effective Date 29 Dec 2003

Request Expedited Treatment ☐ Yes ☒ No

1.4 Type of Service Provider Requesting the Thousands-Block

a) Type of Service Provider * Wireless Telephony (Cellular, PCS, SMR)

b) Primary type of service Blocks to be used for Wireless Type 2

c) Thousands-Block(s) (NPA-XXX-X) assignment preference				615-489-3 615-489-4
Click here to see the available blocks in the pool				

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Request For Resources

- New
- Modify
- Disconnect
- Block Transfer

Confirm Block(s) in Service (Part 4)

- Search Forms
- Submit Forecast
- Create/Modify Forecast

User Profile

- Donate Blocks
- Reports

Questionnaire
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Months to Exhaust and Utilization Certification Worksheet - TN Level

Date **Wednesday, December 3, 2003**
OCN **6673**
Company Name **VERIZON WIRELESS**
Rate Center **CARTHAGE**

List all Codes NPA(s)-NXXs and Blocks NPA(s)-NXX-X(s)

615-489-5

Name of Block Applicant **Mr James M Dixon**
Title **Network Analyst**
Telephone Number **(704) 510 6018**
Fax Number **(704) 510-6089**
E-Mail **James dixon@verizonwireless.com**

A Available Numbers *

B Assigned Numbers *

C Total Numbering Resources *

D Quantity of numbers activated in the past 90 days and excluded from the Utilization calculation *

List excluded Code(s) or Block(s)

Done Start


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- Request For Resources
 - New
 - Modify
 - Disconnected
 - Block Transfer
- Confirm Block(s) in Service (Part 4)
- Search Forms
- Submit Forecast
- Create/Modify Forecast
- User Profile
- Donate Blocks
- Reports

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E Growth History - Previous 6 months² -

Month 1	45	Month 2	83
Month 3	166	Month 4	69
Month 5	110	Month 6	169

F Forecast - Next 12 months³ -

Month 1	150	Month 2	150
Month 3	150	Month 4	150
Month 5	150	Month 6	150
Month 7	150	Month 8	150
Month 9	150	Month 10	150
Month 11	150	Month 12	150

G Average Monthly Forecast (Sum of months # 1-6 (Part F above) divided by 6)

H Months to Exhaust⁴ (Numbers Available for Assignment to customers (A) / Average Monthly Forecast (G))

Explanation

- 1 A copy of this worksheet is required to be submitted to the Pooling Administrator when requesting additional numbering resources in a rate center. For auditing purposes, the applicant must retain a copy of this document.
- 2 Net change in TNs no longer available for assignment in each previous month, starting with the most distant month as Month #1, and Month #6 as the current month.


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Months to Exhaust and Utilization Certification Worksheet - TN Level (Continued)

Your utilization calculates to 64.700 percent, while your State requires a utilization of 70.000 percent

Select One Option and Submit

- ☒ Return to the Months To Exhaust Form
- ☐ Discard all the information provided for the request and start with a fresh Part 1A
- ☐ State Waiver Option

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EXHIBIT B
MTE WORKSHEET

Please see the attached.

**CO CODE ASSIGNMENT
MONTHS TO EXHAUST CERTIFICATION
(Worksheet to be used for Requests for Additional Codes for Growth)**

Date: 11/30/2003 Company Name: Verizon Wireless

Rate Center: Carthage **POOLING RATE CENTER**

NPA(s)-NXXs included in growth calculation (2) (615) 489

Signature of Authorized Representative of Code Applicant: Mitch Dixon

Title: Analyst - Phone Number Management Telephone No.: 704-510-6018 FAX No.: 704-510-6090

Telephone Numbers (TNs) Available for Assignment (See Glossary (3)):											
	Month #1	Month #2	Month #3	Month #4	Month #5	Month #6	Month #7	Month #8	Month #9	Month #10	Month #11 Month #12
A. Previous 6-month growth history (4)	45	83	166	69	110	169					
B. Forecast - Next months 1-12 (5)	150	150	150	150	150	150	150	150	150	150	150
C. Average Monthly Forecast (Sum of months 1-6 Part C above divided by 6):					150						
D. Months to Exhaust(6) =											
E. Utilization Level(7) =											

¹ A copy of this worksheet is required to be submitted to the Code Administrator; for audit purposes, it must be in the applicant's files.

² Report on all resources for the requested geographic area, including newly acquired codes

³ Definitions of terms may be found in the Glossary section of the Central Office Code (NXX) Assignment Guidelines

⁴ Net change in TNs no longer available for assignment in each previous month, starting with the most distant month #1, and Month #6 as the current month

⁵ Forecast of TNs needed in each following month, starting with the most recent month as Month #1. In a jeopardy situation only 6 months growth projection is required

⁶ To be assigned an additional CO Code (NXX) for growth, "Months to Exhaust" must be less than or equal to 6 months (FCC 00-104, § 52.15 (g) (3) (iii)).

⁷ Newly acquired numbers (see glossary) may be excluded from the utilization calculation (FCC 00-104, § 52.15 (g) (3) (iii)).